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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,339	10/26/2001	Petr Peterka	018926-006520US	3222

43471 7590 08/22/2005

GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED  
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.  
101 TOURNAMENT DRIVE  
HORSHAM, PA 19044

EXAMINER
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PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,339

Applicant(s)

PETERKA ET AL.

Examiner

Venkatarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6, 9, 13, 20, 21, 24, 28 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5, 7, 8, 11, 12, 14-18, 22, 23, 26, 27 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 4, 6, 9, 20, 21, 24, and 31, 33-40 is/are rejected.
- 7) ☐ Claim(s) 13, 28, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 15062005.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Pg. 15-16, filed 7/21/2005, with respect to the rejection(s) of claim(s) 4-5, 7-9, 19-20, 22-24, 14, 29 under 35 USC §102(b) and 6, 10-13, 21, 25-28 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of EP 0969667 A2 to Matsushita Electric Industrial Co. Ltd (hereinafter Matsushita). These new grounds of rejections are necessitated by the amendments to the claims.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 4, 19, 20, 34, 36, and 38 rejected under 35 U.S.C. 102(b) as being anticipated by EP 0969667 A2 to Matsushita Electric Industrial Co Ltd. (hereinafter Matsushita).
4. Regarding Claim 4, Matsushita discloses the encrypting a first portion of program content using a key so as to produce an encrypted portion of program content and broadcasting of key and data see Par. 0007 Page 2 Ln 55- Page 3 Ln

3(second key as disclosed by Matsushita); encrypting with a second key and broadcasting to a client the second encrypted portion(first key as disclosed by Matsushita) see Par. 0011 & Par. 0015-0016 & Par.0007.

5. Claim 19 contains similar language as Claim 4 above and is rejected along the same lines.
6. Claim 20, Matsushita discloses the use of real-time decryption for a certain amount of time see Par. 0015.
7. Regarding Claim 34, Matsushita discloses the encrypting a first portion of program content using a key so as to produce an encrypted portion of program content and broadcasting of key and data see Par. 0007 Page 2 Ln 55- Page 3 Ln 3(second key as disclosed by Matsushita); encrypting with a second key and broadcasting to a client the second encrypted portion(first key as disclosed by Matsushita) see Par. 0011 & Par. 0015-0016 & Par.0007; decrypting using the an key see Par. 0007.
8. Claims 36 and 38 contains similar claim language as Claim 34 above and is rejected along the same lines.

9. Claim 10, 25, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,003,384 to Durden et al.(hereinafter Durden).

10. Regarding Claim 10, Durden discloses the multicasting a first portion unencrypted and then receiving an order for the program content, multicasting the key and the encrypted portion see Col 2 Ln 11-39.

11. Claim 25 and 40 contains similar claim language as Claim 10 above and is rejected along the same lines as Claim 10 above.

***Allowable Subject Matter***

12. Claims 13, 28, 30, 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 6, 9, 21, 24, 31, 33, 35, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0969667 A2 to Matsushita Electric Industrial Co Ltd.(hereinafter Matsushita) in view of 2001/0031044 A1 to Katz.

15. Regarding Claim 6, 21, 31, 33, 35, 37, and 39, Matsushita does not disclose the prompting the user with a offer to purchase the program content. However, Katz discloses the prompting the user with a offer to purchase the program see Par. 0017. It would be obvious to one having ordinary skill in the art at the time of the invention to include the prompting the user with a offer to purchase the program in the invention of Matsushita in order to make it commercially viable as taught in Katz see Par. 0017.

16. Regarding Claim 9, 24, Matsushita discloses the third key(PWKp as disclosed by Matsushita) see Par. 0015.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

U.S. Patent No. 5,878,135 to Blatter et al.

U.S. Patent No. 6,097,816 to Momiki et al.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

Art Unit: 2132

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197  
(toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

VP  
8/1/05

*Justin T. Darrow*  
JUSTIN T. DARROW  
PRIMARY EXAMINER